

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

REGINA S. MAESTAS,

Plaintiff,

vs.

Civ. No. 01-1080 WWD/LFG ACE

WALGREEN DRUG STORE NO. 1820,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court *sua sponte* for reconsideration of Defendant's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment, of the Claim of Retaliatory Discharge (Docket # 39) filed June 11, 2002. I previously denied the motion for reasons other than the merits which I need not detail. Suffice it to say I failed to see Defendant's attempt to put certain matters before me in anticipation of a rule change, and Plaintiff failed to file all her response and failed to mark the portions of attached exhibits on which she relied. I now would like to be able to review my ruling with all the submissions in proper form at hand. Plaintiff should re-file her entire response to the motion with all exhibits properly highlighted.

I do not believe that it is necessary for Defendant to re-file its exhibits unless the deposition references incorporated by reference in the Defendant's footnote #1 to the instant motion are not the references specifically applying to this motion. I do not equate the respective "mistakes" of counsel to be of equal order; and although I do not wish to belabor the matter, it is

incomprehensible to me that Plaintiff's counsel has not sought, at least, to add the pages missing in his brief.

WHEREFORE,

IT IS ORDERED that on or before July 31, 2002, Plaintiff shall file a Response to the Defendant's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment, of the Claim of Retaliatory Discharge (Docket # 39) containing all the pages originally intended to be filed, and that all exhibits thereto shall be highlighted in accordance with the rules of this court.


UNITED STATES MAGISTRATE JUDGE